IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1816 of 1994

HON'BLE MR.JUSTICE KSHITIJ R.VYAS

and

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BANK OF INDIA 1

Versus

AMBALAL H PATEL

Appearance:

MR JT TRIVEDI for Petitioner No. 1

MR TUSHAR MEHTA for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE KSHITIJ R.VYAS

and

HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 22/04/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE KSHITIJ R.VYAS)

1. At the request of Mr. J.T. Trivedi, learned Advocate for the Appellant, respondent nos.2 and 3 are ordered to be deleted.

2. The parties to the appeal i.e. the appellant and the respondent no.1 have arrived at a settlement in the matter and accordingly they have filed the Consent Terms duly signed by the parties and their learned Advocates. The Consent Terms are taken on record.

3. In view of the Consent Terms the judgement and decree passed in Special Civil Suit No.85/1985 dated 30th September 1993, by the learned Civil Judge (Senior Division), Mehsana, is modified as per the Consent Terms. The learned Civil Judge (Senior Division), Patan is directed to get the FDR in question encashed and to pay the proceeds thereof to the appellant forthwith.

4. The appeal stands disposed of accordingly with no order as to costs. Decree shall be drawn in terms of the Consent Terms. Direct service is permitted.

[KSHITIJ R. VYAS, J.]

[K.S. JHAVERI, J.]

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